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DECONTROL

[REDACTED] BUENOS AIRES 9810

H PASS: HONORABLE RICHARD S. SCHWEIKER
UNITED STATES SENATE
WASHINGTON DC

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s):

~~Declassify~~: ☐ In Part ☒ In Full **DECONTROL**

☐ Classify as ☐ Extend as ☐ Downgrade to

Date Declassify on Reason

E.O. 12065: N/A

TAGS: SHUM AR

SUBJ: DETENTION OF HORACIO OSCAR SARAGОВI (269/78/1)

1. MRS. SARAGОВI INFORMED EMBASSY ON DECEMBER 7TH THAT THE ARGENTINE SUPREME COURT HAS REFUSED TO ACCEPT JURISDICTION TO REVIEW THE SUPREME MILITARY COUNCIL'S DECISION UPHOLDING A SIX YEAR SENTENCE AGAINST HER SON, HORACIO OSCAR SARAGОВI. THE SUPREME COURT'S DECISION PRESENTED GENERALIZED AND PROCEDURAL CONCLUSIONS FOR ITS REFUSAL TO ACCEPT JURISDICTION IN THE CASE, THE COURT, INTER ALIA, STATED THAT THE ALLEGED ERRORS IN THE MILITARY COURTS' PRECEEDINGS WERE NOT SUFFICIENT TO CONSTITUTE A QUESTION OF FEDERAL INTEREST. THE COURT ALSO SAID THE THE PLAINTIFF HAD NOT DEMONSTRATED THE INCONSTITUTIONALITY OF THE ADMINISTRATION OF THE EXCEPTIONAL LAWS UNDER THE SPECIAL CORCUMSTANCES OF THE STATE OF SIEGE. THE COURT CONCLUDED THAT PROCEDURAL QUESTIONS REGARDING THE FUNCTION OF A SPECIAL MILITARY COUNCIL COURTS ARE NOT APPROPRIATE FOR FEDERAL COURT REVIEW. (A COPY OF COURT'S DECISION IS BEING POUCHED TO THE DEPARTMENT OF STATE).

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2. THE SARAGОВI FAMILY AND THEIR LAWYERS HAVE TOLD US THEY WERE SHOCKED BY WHAT THEY CONSIDER A CAVALIER AND PROCEDURAL DISMISSAL OF THE SUBSTANTIVE ISSUES PRESENT-

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ED TO THE SUPREME COURT.

3. THE FAMILY IS NOW SEEKING COMMUTATION OF THEIR SON'S SENTENCE TO TWO AND A HALF YEARS (THE TIME ACTUALLY SERVED OF HIS SIX YEARS SENTENCE). MINISTRY OF JUSTICE OFFICIALS INFORMED THE FAMILY THAT COMMUTATIONS ARE RARE IN CRIMINAL CASES AND ESPECIALLY RARE IN SENTENCES OF MILITARY COURTS. ACCORDING TO MINISTRY OF JUSTICE OFFICIALS, TO COMMUTE A SENTENCE A PRISONER NEEDS A FAVORABLE REPORT ON THE PRISONER'S CONDUCT IN JAIL, POSITIVE INFORMATION REGARDING HIS PSYCHOLOGICAL STATUS, THE AGREEMENT OF THE MILITARY COURT WHICH RENDERED THE DECISION, AND APPROVAL OF THE MINISTRY OF JUSTICE WHO RECOMMENDS THE COMMUTATION TO THE PRESIDENT FOR ACTION. RECOMMENDATIONS FROM MILITARY OFFICIALS, CHURCH AUTHORITIES AND OTHER "PERSONALITIES" ARE AN IMPORTANT PART OF THIS PROCESS.

4. WE OFFERED TO ASSIST THE FAMILY IN ANY APPROPRIATE WAY THEY THINK WE MIGHT BE HELPFUL. YOU AND/OR THE EMBASSY FOR EXAMPLE MIGHT MAKE IT KNOWN THAT A GREAT DEAL OF INTEREST IN THE SARAGОВI CASE EXISTS IN THE UNITED STATES. THE BOY'S FAMILY IS CHECKING WITH THEIR ATTORNEY TO SEE WHETHER LETTERS FROM YOU OR THIS EMBASSY WOULD BE OF USE. I WILL ADVISE YOU AS SOON AS WE HAVE THEIR WISHES ON THIS DELICATE ISSUE.

5. SINCERELY YOURS, RAUL CASTRO, AMBASSADOR.

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6. DECONTROL UPON RECEIPT.
CASTRO

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